

10,664

NOTE:

The attached pages are corrected
pages and should be substituted for the
corresponding pages in the record.

1 Tribunal, including myself, thought that you, Major
2 Furness, said you were not certain. The correction
3 will be made.

4 Major Moore.

5 LANGUAGE ARBITER (Major Moore): Mr. Presi-
6 dent, if the Tribunal please, I would like to offer
7 some language corrections.

8 Referring to exhibit 1065, record page
9 9,875, line 15, after "our conclusion" insert "to
10 endeavor to realize this. (period) That we," and
11 so forth. Line 16, substitute "make careful study in
12 order to" for "bend every effort." Line 18, sub-
13 stitute "not interfere with" for "we ought to en-
14 deavor to realize."

15 Exhibit 1089, record page 9,998. Prosecu-
16 tion translation is accepted.

17 Exhibit 1090, record page 10,000, line 5,
18 substitute "talk of responsibility was not the point"
19 for "it was still" to the end of the sentence.

20 Exhibit 1093, record page 10,021, line 8,
21 insert "a little past four o'clock" before "Foreign
22 Minister." Line 20, insert "it seems to me there
23 has been a difference." Line 21, delete "foreign."
24 Line 23, substitute "problem" for "war." Line 25,
25 after "country" delete "it was desirable" and

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15, 106
14, 551

14, 510
A
14, 021

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15, 106
14, 551

14, 550
B
14, 021

BALDWIN

CROSS

1 MR. BROOKS: If your Honor please, I don't
2 think they need trial. I hadn't finished. What I was
3 getting at with Mr. Ballantine was did they advance any
4 of the justifiable reasons, in the defense of their
5 actions in Manchuria, as was utilized by the United
6 States in actions that they took when their interests
7 were in question?

8 A I am afraid I don't get all the parts of
9 that question together. There seem to be two or
10 three parts that are disconnected, and I can't get
11 them very well.

12 Q Well, did the Japanese not urge or insist that
13 their actions were an exercise of police power for
14 the purpose of protecting their property and their
15 people, and it was not war? One point.

16 THE PRESIDENT: That is an issue for us, and
17 he can not swear it.

18 Q The point I am making is a question of
19 whether the Japanese emissary that was carrying on
20 these conversations made that an insistence and is
21 a fact, and I think he can testify as to the facts.

22 THE PRESIDENT: He can tell us anything
23 they said during the negotiations.

24 MR. BROOKS: That's what I asked him.

25 A Well, they advanced many reasons why they

PROCEEDINGS HELD IN THE CHAMBERS OF THE
HONORABLE SIR WILLIAM WEBB, PRESIDENT OF
THE INTERNATIONAL MILITARY TRIBUNAL FOR
THE FAR EAST.

Allied Powers v. OKAWA and others,
in Chambers before the President,
Tokyo, at 8:30 A.M., May 4, 1946.

Captain Coleman, Chief Defense Counsel, appointed
by the Supreme Commander, with Mr. Shinichi OHHARA,
Japanese Defense Counsel for Shumei OKAWA, request in
writing that the accused, OKAWA, be medically examined
with a view to ascertaining his mental condition and
his capacity to plead to the indictment.

OHHARA, through his interpreter, Miss FUKUCHI,
says he supports Captain Coleman's application.

I order that OKAWA be medically examined according-
ly by two psychiatrists, one appointed by the prosecution,
and the other by OHHARA, on behalf of OKAWA; that the ex-
amination by both doctors be made forthwith, and that
immediately thereafter reports be made by each to the
President.

Mr. Higgins, of the Prosecution Section, appears and
concurs in this order.

/s/ W. Webb

Sir William Webb, President
of the International Military
Tribunal for the Far East.

PROCEEDINGS HELD IN THE CHAMBERS OF THE
HONORABLE SIR WILLIAM WEBB, PRESIDENT OF
THE INTERNATIONAL MILITARY TRIBUNAL FOR
THE FAR EAST.

Allied Powers v. YOSUKE MATSUOKA and
others, in Chambers before the President,
Tokyo at 10:47 A.M., May 8, 1946.

Beverly M. Coleman, Captain, USNR, Chief of American defense counsel, appointed under authority of the Supreme Commander, and Mr. Shunzo KOBAYASHI, Japanese defense counsel for Yosuke MATSUOKA, who heretofore has filed his request in writing on behalf of the accused Yosuke MATSUOKA that said accused be medically examined to ascertain the physical capacity of the said accused to proceed to trial, appeared in Chambers before the President in support of said motion. Mr. Frank Tavenner, Jr., appeared on behalf of the prosecution. KOBAYASHI, through his interpreter, Shinichi HOSAGAWA, duly sworn, made his statement in support of said motion.

Upon consideration thereof, I ORDER that MATSUOKA be medically examined by two doctors, one appointed by the accused and one by the prosecution, and that the reports of these two doctors be made to the Court; that if the two doctors do not agree as to the condition of the accused, MATSUOKA, a third doctor be appointed by the Tribunal to examine the accused.

It is further ORDERED that Colonel Currie be requested to take steps to admit the accused, MATSUOKA, to the 361st Hospital.

It is further ORDERED that the Provost Marshal, A. S. Kenworthy, Lt Colonel, be directed to deliver in custody to the 361st Hospital the accused, MATSUOKA, and that he be kept in custody there until after the medical examination has been completed. After the medical examination has been completed, he is to be returned to Sugamo Prison.

/s/ W. Webb

Sir William Webb, President
of the International Military
Tribunal for the Far East.